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10/003,198	10/31/2001	Jeffrey Erdfarb	12186/1	4144

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EXAMINER

COHEN, AMY R

ART UNIT PAPER NUMBER

2859

DATE MAILED: 11/06/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/003,198

Applicant(s)

ERDFARB, JEFFREY

Examiner

Amy R Cohen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 20, 22, 24, and 26. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to because Fig. 2, parts described as 30a and 30b are not in the figure, however, 28a and 28b are shown in their place. 28a and 28b are already described as another feature. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The abstract of the disclosure is objected to because it exceeds the maximum length of 150 words.. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

4. Claim 4 is objected to because of the following informalities:  
Claim 4, line 2 "hatch" should read --hash--.  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hellar (U. S. Patent No. 5,251,382).

Hellar teaches a measuring device (1) comprising: a first edge (3) defining a first region, said first region having a first set of indicia (9) corresponding to a first linear scale; a second edge (2) defining a second region, said second region having a second set of indicia (8) corresponding to a second linear scale, wherein said second linear scale is non-actual (Col 2, lines 46-52 and lines 61-67).

Hellar teaches the device wherein said first linear scale is actual (Col 2, lines 61-67).

Hellar teaches the device wherein said second linear scale is selected from the group of  $\frac{3}{4}''=1'$ ,  $\frac{1}{2}''=1'$ ,  $\frac{3}{8}''=1'$ ,  $\frac{1}{4}''=1'$ ,  $\frac{1}{8}''=1'$ ,  $\frac{1}{16}''=1'$ , 1:2, 1:4, 1:8, 1:10, and 1:100 (Col 2, line 61-Col 3, line 4).

Hellar teaches the device wherein each indicia of said first and second sets of indicia comprise a hatch mark and a numeral (Fig. 2).

Hellar teaches the device wherein each of said first and second set of indicia have a starting point adjacent to each other (33 and Fig. 2).

Hellar teaches the device wherein at least one of said first and said second linear scales is in S. I. units (Col 2, lines 61-65).

Hellar teaches the device wherein at least one of said first and said second linear scales is in U. S. units (Col 2, lines 61-65).

Hellar teaches the device comprising a third region disposed between said first region and said second region (Fig. 2), said third region having a third set of indicia corresponding to a third linear scale (scale in feet-as seen in Figs. 1 and 2 and reference number 21).

Hellar teaches the device wherein said third set of indicia extend through one of said first region to said first edge and said second region to said second edge (21 in Fig. 2).

7. Claims 1, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hagey (U. S. Patent No. 1,085,905).

Hagey teaches a measuring device (A, B) comprising: a first edge (Fig. 1) defining a first region, said first region having a first set of indicia (a) corresponding to a first linear scale; a second edge (Fig. 1) defining a second region, said second region having a second set of indicia (b) corresponding to a second linear scale, wherein said second linear scale is non-actual.

Hagey teaches the measuring device wherein said first region (a) is divided into at least a first portion and a second portion (divided by spacings e in Fig. 1), wherein said first portion includes said first set of indicia and said second portion includes a third set of indicia corresponding to a third linear scale (Fig. 1).

Hagey teaches the measuring device wherein said second region (b) is divided into at least a first portion and a second portion (divided by spacings e in Fig. 1), wherein said first portion includes said first set of indicia and said second portion includes a third set of indicia corresponding to a third linear scale (Fig. 1).

8. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Samuels (U. S. Patent No. 4,484,395).

Samuels teaches a method for measuring, comprising the steps of: positioning a measuring device on a drawing (Col 1, lines 5-24), said measuring device (10) having a first set of indicia (9) corresponding to a first linear scale and a second set of indicia (8) corresponding to a second linear scale, wherein said drawing has features sized in a second linear scale (Col 1, lines 5-24); using said second set of indicia, determining a first length of measurement of a feature on said drawing (Col 1, lines 5-24); using said first set of indicia, determining a second

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length measurement on an object, wherein said first length measurement and said second length measurement correspond to the same actual dimension (Col 7-17 and lines 40-57).

*Conclusion*


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose measuring devices with different scales Renko (U. S. Patent No. 6,470,582), Chan (U. S. Patent No. 6,467,180), Marshall (U. S. Patent No. RE37,212), Snyder (U. S. Patent No. 5,519,943), Walker (U. S. Patent No. 4,811,489), Homan (U. S. Patent No. 1,602,490), Rose (U. S. Patent No. 1,528,992), and Engel (U. S. Patent No. 1,497,492).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R Cohen whose telephone number is (703) 305-4972. The examiner can normally be reached on 8 am - 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

ARC  
October 31, 2002



Diego Gutierrez  
Supervisory Examiner  
Tech Center 2800